

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS R. RODELLA,

Defendant.

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Case No. 14-CR-2783 JB

**JOINT MOTION FOR ENTRY OF AGREED ORDER OF PARTIAL GARNISHMENT
AND STAY**

The United States and Defendant Thomas R. Rodella jointly move the Court for entry of an agreed order of partial garnishment and stay. If the Court enters the agreed order, the parties ask that it cancel the hearing on this matter now set for August 27. In support of this motion, the parties state as follows:

A Writ of Garnishment has been duly issued and served upon the Garnishee Los Alamos National Bank (LANB). Docs. 219, 220. Pursuant to the Writ of Garnishment, LANB filed an Amended Answer to the Writ on June 19, 2015, Doc. 225, identifying eight bank accounts in its custody or under its control owned by the Defendant jointly or solely. These accounts are as follows: two checking accounts in the amounts of \$303.19 and \$651.87, three savings accounts in the amounts of \$196.64, \$3,054.66, and \$159.66, and three Certificates of Deposit in the amounts of \$70,032.09, \$15,082.31, and \$35,639.97, totaling \$125,120.39, for the period ending June 16, 2015. Doc. 223 at 3. LANB claimed an exemption for the CD valued at \$70,033.09 on the ground that it "is pledged as collateral for loans." *Id.*

On July 8, 2015, the United States filed an objection to the claim of exemption contained in the Amended Answer and requested a hearing pursuant to 28 U.S.C. § 3205(c)(5). Doc 226.

Defendant Rodella filed a Response to Government's Objection on July 24, 2015. Doc 227. In the response, Defendant requested a stay of the garnishment proceeding as to the \$70,032.09 CD pending appeal of his convictions to the United States Court of Appeals for the Tenth Circuit because that CD secures letters of credit for Debbie Rodella's bail bonding business. *Id.* at 2.

The parties have agreed to entry of an order directing garnishment of all accounts other than the CD containing \$70,032.09. The parties have further agreed that stay of the garnishment action as to the CD containing \$70,032.09 is appropriate pending the decision of Defendant Rodella's appeal in the Tenth Circuit. The proposed agreed order reflects the parties' agreement.

CONCLUSION

For the foregoing reasons, the parties ask the Court to enter the agreed order of partial garnishment and stay and to cancel the hearing on this matter now set for August 27.

Respectfully submitted,

/s/ Robert J. Gorence

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing pleading was emailed to counsel of record by CM/ECF this 20th day of August, 2015.

/s/ John D. Cline
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